

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES ELLIOT.

Plaintiff,

V.

MONROE CORRECTIONAL COMPLEX.

Defendant

No. C06-0474RSL

ORDER FOR SUPPLEMENTAL BRIEFING

This matter comes before the Court on “Defendant’s Motion for Summary Judgment” in the above-captioned matter. Dkt. # 16. Defendant argues that the Court should grant summary judgment based upon plaintiff’s alleged failure to exhaust his administrative remedies prior to pursuing litigation. Plaintiff opposes the motion arguing that his physical and mental disabilities prevent him from meeting the exhaustion requirement. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, and having reviewed the relevant statutes and case law, the Court finds that further briefing on the following topics would be helpful to the full and accurate adjudication of this matter:

(1) Plaintiff claims that defendant discriminated against him and failed to provide reasonable accommodation by placing plaintiff in the general population of inmates. Did defendant's grievance program constitute an "available" remedy through which plaintiff could contest his placement in the general population? See Booth v. Churner, 532 U.S. 731, 736 (2001), Brown v. Valoff, 422 F.3d 926, 935 n.10 (9th Cir. 2004).

ORDER FOR FURTHER BRIEFING

(2) Plaintiff claims that defendant discriminated against him and failed to provide reasonable accommodation by imposing administrative segregation upon plaintiff. Did defendant's grievance program constitute an "available" remedy through which plaintiff could contest his segregation? *Id.*

Defendant may respond to the above questions in a supplemental memorandum of no more than ten pages, filed and served no later than Friday, January 5, 2007. Plaintiff may file and serve a reply memorandum of no more than ten pages by Friday, January 19, 2007. The Clerk of Court is directed to remove defendant's motion for summary judgment (Dkt. # 16) on the Court's calendar for Friday, January 19, 2007.

DATED this 13th day of December, 2006.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge